UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/560,109	01/17/2006	Calin Turcanu	60091.00441	2893

32294   7590   12/24/2008
SQUIRE, SANDERS & DEMPSEY L.L.P.
8000 TOWERS CRESCENT DRIVE
14TH FLOOR
VIENNA, VA 22182-6212

EXAMINER
LAM, DUNG LE

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
12/24/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/560,109	TURCANU, CALIN
	Examiner	Art Unit
	DUNG LAM	2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *13,14,17,18 and 20-30* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *13,14,17,18 and 20-30* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☒ All   b)☐ Some * c)☐ None of:
        1.☒ Certified copies of the priority documents have been received.
        2.☐ Certified copies of the priority documents have been received in Application No. _____.
        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)
1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

U.S. Patent and Trademark Office
PTOL-326 (Rev. 08-06)   Office Action Summary   Part of Paper No./Mail Date 20081128

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/31/2008 has been entered.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 19, 20, 22 and 23 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 20 recite "computer readable storage device" and claim 22 recites, "a computer-readable medium". However, the examiner was unable to find these teachings in the original specification and thus could not determine whether the medium is a tangible medium or a carrier wave. For examination purpose, the examiner will interpret the medium as a tangible medium only and the medium does not include a carrier wave. Claim 20 is also missing the steps that are caused to be executed by a computer processor.

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claim **13, 14, 17-18 and 20-30** rejected under 35 U.S.C. 103(a) as being

unpatentable over **Mathis** (US Patent Number 2003/0119540) further in view of **Griffin**

(US Pub. 2003/0155447).

2.   Regarding *claim* **13**, **Mathis** teaches a method comprising:

- storing a list of subscribers in a phonebook application in a subscriber device ([0013,

  0009, 0004]),

- storing presence information of the subscribers in the phonebook application ([0013,

  0009, 0004]), said presence information including information on the availability of the

  subscribers for a group call ([0010-0013]);

- Opening the phonebook application in response to a predetermined input from the user

  interface ([0018], "client device is operated by the user to consult contact list" would

  require a predetermined input for the display to display a contact list, step 410 in Fig. 4)

- Displaying the list of subscribers on the user interface ([0018], user consult contact list,

  step 420 in Fig. 4);

- in response to the user's selection of two or more subscribers from the list via the user

  interface and in response to the user pressing a predetermined button (selecting group

  TG1 means users A and B are selected which broadly reads on the limitation of

"selection of two or more subscribers", Fig. 2; [0016, 0018]), providing appropriate

signaling with a group communication service in a network infrastructure for establishing

a ... group call of the selected subscribers and the user of the subscriber device (Step

430, [0013, 0018])

However, **Mathis** does not specifically teach, "an ad-hoc group call and sending a

speech item or a speech item request each time a talk activity is detected or indicated in

the subscriber device during said ad hoc group call, wherein said speech item or said

speech item request is sent based on real-time transport protocol".

In an analogous art, **Griffin** teaches

- in response to the user's selection of two or more <u>individual</u> subscribers for a <u>new</u>

  <u>ad-hoc group call</u> from the list via the user interface, displaying a group

  communications menu on the user interface (Fig. 10, [0048-0050] and Fig 14; [0048]

  if at least 1 entry is selected from the buddy list, the softkey "chat" is available and

  when a group or user is selected, additional group options are presented to the user

  which is interpreted as "group communication menu"; users can select a whole or

  partial group which reads on "ah-hoc" group);

- providing appropriate signaling with a group communication service in a network

  infrastructure for establishing said new ad-hoc group call with said newly selected

  individual subscribers and the user of the subscriber device; and ([0049-0050]);

- Furthermore, **Griffin** teaches, "sending a speech item or a speech item request each

  time a talk activity is detected or indicated in the subscriber device during said ad

hoc group call, wherein said speech item or said speech item request is sent based

on real-time transport protocol" (Fig. 10, [0049-0050, 0062, 0066] and Fig 14).

Therefore, it would have been obvious for one of ordinary skill in the art at the time

of the invention to include **Griffin**'s teaching of the ad-hoc group call to allow the user the

flexibility to dynamically select who to talk to and not be restricted to a predefined group and

Griffin's teaching of sending a speech item request each time a talk activity is detected

with Mathis' teaching in order to facilitate the push-to-talk process. It is also

advantageous to modify Mathis and Haime's teaching with Griffin's teaching to use RTP

because RTP takes advantage of the existing/emerging framework of Voice over IP

(land and wireless) and take advantage of the functions and services offered in the

Voice Over IP framework.

3.   Regarding *claim* **14**, **Mathis** teaches a method comprising:

- storing a list of subscribers in a phonebook application in a subscriber device ([0013,

  0009, 0004]),

- storing presence information of the subscribers in the phonebook application ([0013,

  0009, 0004]), said presence information including information on the availability of the

  subscribers for a group call ([0010-0013]);

- Opening the phonebook application in response to a predetermined input from the user

  interface ([0018], "client device is operated by the user to consult contact list" would

  require a predetermined input for the display to display a contact list, step 410 in Fig. 4)

- Displaying the list of subscribers on the user interface ([0018], user consult contact list,

  step 420 in Fig. 4).

- receiving user's selection of two or more individual subscribers from the list via the user interface (selecting group TG1 means users A and B are selected which broadly reads on the limitation of "selection of two or more subscribers", Fig. 2; [0016, 0018]); and

- in response to the user pressing a predetermined button, providing appropriate signaling with a group communication service in a network infrastructure for establishing a … group call of the selected subscribers and the user of the subscriber device (Step 430, [0013, 0018])

However, **Mathis** does not specifically teach, "an ad-hoc group call and sending a speech item or a speech item request each time a talk activity is detected or indicated in the subscriber device during said ad hoc group call, wherein said speech item or said speech item request is sent based on real-time transport protocol".

In an analogous art, **Griffin** teaches

- in response to the user's selection of two or more <u>individual</u> subscribers for a <u>new</u> <u>ad-hoc group call</u> from the list via the user interface, displaying a group communications menu on the user interface (Fig. 10, [0048-0050] and Fig 14; [0048] if at least 1 entry is selected from the buddy list, the softkey "chat" is available and when a group or user is selected, additional group options are presented to the user which is interpreted as "group communication menu"; users can select a whole or partial group which reads on "ah-hoc" group);

- providing appropriate signaling with a group communication service in a network infrastructure for establishing said new ad-hoc group call with said newly selected individual subscribers and the user of the subscriber device; and ([0049-0050]);

- Furthermore, **Griffin** teaches, "sending a speech item or a speech item request each time a talk activity is detected or indicated in the subscriber device during said ad hoc group call, wherein said speech item or said speech item request is sent based on real-time transport protocol" (Fig. 10, [0049-0050, 0062, 0066] and Fig 14).

Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to include **Griffin**'s teaching of the ad-hoc group call to allow the user the flexibility to dynamically select who to talk to and not be restricted to a predefined group and Griffin's teaching of sending a speech item request each time a talk activity is detected with Mathis' teaching in order to facilitate the push-to-talk process. It is also advantageous to modify Mathis and Haime's teaching with Griffin's teaching to use RTP because RTP takes advantage of the existing/emerging framework of Voice over IP (land and wireless) and take advantage of the functions and services offered in the Voice Over IP framework.

4.   Regarding *claim* **17 and 18**, **Mathis** teaches an apparatus comprising:

- A storage device configured to store a list of subscribers in a phonebook application in a subscriber device and presence information of the subscribers in the phonebook application ([0013, 0009, 0004]), said presence information including information on the availability of the subscribers for a group call ([0010-0013]);

- A user interface configured to display the list of subscribers of the phonebook application ([0018], user consult contact list, step 420 in Fig. 4).

- A controller configured, in response to the user's selection of two or more subscribers from the list via the user interface (selecting group TG1 is means users A and B are selected which broadly reads on the limitation of "selection of two or more subscribers",

Fig. 2; [0016, 0018]), to display a group communications menu on the user interface; and

- Said controller being configured, in response to the user pressing a predetermined button, to exchange appropriate signaling with a group communication service in a network infrastructure for establishing a ... group call of the selected subscribers and the user of the apparatus (Step 430, [0013, 0018])

In an analogous art, **Griffin** teaches

- in response to the user's selection of two or more <u>individual</u> subscribers for a <u>new ad-hoc group call</u> from the list via the user interface, displaying a group communications menu on the user interface (Fig. 10, [0048-0050] and Fig 14; [0048] if at least 1 entry is selected from the buddy list, the softkey "chat" is available and when a group or user is selected, additional group options are presented to the user which is interpreted as "group communication menu"; users can select a whole or partial group which reads on "ah-hoc" group);

- providing appropriate signaling with a group communication service in a network infrastructure for establishing said new ad-hoc group call with said newly selected individual subscribers and the user of the subscriber device; and ([0049-0050]);

- Furthermore, **Griffin** teaches, "sending a speech item or a speech item request each time a talk activity is detected or indicated in the subscriber device during said ad hoc group call, wherein said speech item or said speech item request is sent based on real-time transport protocol" (Fig. 10, [0049-0050, 0062, 0066] and Fig 14).

Therefore, it would have been obvious for one of ordinary skill in the art at the time

of the invention to include **Griffin**'s teaching of the ad-hoc group call to allow the user the

flexibility to dynamically select who to talk to and not be restricted to a predefined group and

Griffin's teaching of sending a speech item request each time a talk activity is detected

with Mathis' teaching in order to facilitate the push-to-talk process. It is also

advantageous to modify Mathis and Haime's teaching with Griffin's teaching to use RTP

because RTP takes advantage of the existing/emerging framework of Voice over IP

(land and wireless) and take advantage of the functions and services offered in the

Voice Over IP framework.

Regarding claims **20-23**, they are claim directing towards computer readable

medium and apparatus claims that correspond to claim 13. Therefore, they are rejected

for the same reasons as claims 13.

Regarding claim **24**, Mathis and Griffin teach an apparatus as claimed in claim 17,

wherein said controller comprises at least one programmable unit (Griffin [31]).

Regarding claim **25 and 28**, Mathis and Griffin teach an apparatus as claimed in

claim 17/21, wherein said controller comprises at least one of a signal processor and a

central processing unit (Griffin [31]).

Regarding claims **26 and 27**, they are apparatus claims that correspond to claim

25. Therefore they are rejected for the same reasons as claim 25.

Regarding claim **29**, Mathis and Griffin teach an apparatus as claimed in claim

21, wherein said apparatus comprises a subscriber terminal having a speech

communication capability (Griffin [31]).

Regarding claim **30**, Mathis and Griffin teach an apparatus as claimed in claim 21, wherein said apparatus comprises a computer device having a capability for speech communication over Internet (Griffin, [30] and abstract).

Response to Arguments

Applicant's arguments with respect to claims 13-14, 17-18 and 20-30 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DUNG LAM whose telephone number is (571) 272-6497. The examiner can normally be reached on M - F 9 - 5:30 pm, Every Other Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Harper can be reached on (571) 272-7605. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/VINCENT P. HARPER/

Supervisory Patent Examiner, Art Unit 2617